

REMARKS/ARGUMENTS

Claims 1, 3, 5, 9, 10, 12-16, 19, 20, and 24-38 are pending. The Final Office Action rejects claims 1, 9, 10, 12-16, 20, 26, 27, 30, 35, and 36 under 35 U.S.C. §103(a) as unpatentable over DiFilippo (U.S. 6,044,364) in view of Eddy (U.S. 5,812,400). These rejections are respectfully traversed.

Interview Summary

Applicants thank the Examiner for the courtesy extended to Applicants' undersigned representative during the in-person interview conducted March 5, 2009. During the interview, the arguments presented in the October 16, 2008 Amendment were discussed relative to DiFilipo and Eddy. Applicants' representative argued that the cited references do not disclose a present physical location as recited in the claims, and that the Office Action improperly reads features out of the claims. Examples consistent with those presented herein were also discussed.

Applicants also thank Examiner Hayes for the follow-up telephone call on March 19, 2009, in which Examiner Hayes suggested that Applicants present the arguments filed on October 16, 2008 for further consideration in view of the cited art. The arguments presented herein are consistent with those presented in the October 16 Amendment, with changes and additions to address minor variations between the previous and current rejections.

The Cited References Fail to Disclose a Present Physical Location as Recited in the Claims.

To support a *prima facie* case of obviousness, the Examiner must demonstrate that each feature recited in the claims is found in the cited art, or provide explicit reasoning to support the finding that the features would be obvious to one of skill in the art at the time the invention was made. *See M.P.E.P. §§ 2141, 2142.* The Office Action asserts that DiFilipo and Eddy disclose each and every feature recited in the claims. Applicants respectfully disagree.

Claim 1 recites, *inter alia*,

transmitting from the postal device to a remote server **present physical location** information of the postal device;

determining, at the remote server, a **present postal zip code** representing a physical location of the postal device **based on the present physical location information**; and

comparing, at the remote server, the **present postal zip code** representing the present physical location of the postal device with a **previously stored zip code representing a previously stored location of** the postal device.

The other independent claims recite similar features, including the present physical location of a postal device, the present postal zip code of the postal device, a previously-stored zip code, and/or the actual present location of a device. The Examiner asserts that in DiFilipo's system a zip code is downloaded and checked (p. 3) and that Eddy describes communication of a physical location at column 2, lines 25-39 (p. 5). However, the cited disclosures are insufficient to support a *prima facie* case of obviousness, since the claims include more features than merely receiving, transmitting, or checking a zip code.

DiFilipo's system assigns a zip code to devices based on their serial numbers. *E.g.*, Col. 7:34-38. The system later verifies that the zip code assigned to a portable vault matches the zip code assigned to a printhead module. Col. 5:50-6:2. If one or the other of the vault and the printhead do not have a zip code set, one is downloaded from a server. Col. 7:66-8:45. Notably, the server retrieves the zip code based on the serial number of the vault or printhead. Col. 8:8-10; 8:26-35. There is no suggestion that DiFilipo's system ever determines the present physical location of the vault or the printhead; it merely looks up a stored zip code based on a serial number. Neither the stored zip code or the serial number is a present physical location. Thus, DiFilipo fails to disclose a present physical location as recited in the claims. Eddy similarly only describes comparing two stored zip codes entered by a user (*e.g.*, col. 11:19-37; col. 18:25-19:10), and is not applied so as to remedy the deficiencies of DiFilipo. Therefore, the independent claims are allowable over the cited art. The remaining claims are allowable at least by virtue of their dependence from the allowable independent claims.

Examples

The difference between DiFilipo's system and the claimed combinations of a present physical location, a present zip code, and a previously stored zip code may be explained by way of a specific example. In DiFilipo's system, a portable vault and a printhead may be assigned to the 20005 zip code. A data center records the serial numbers of the vault and the printhead, and associates each one with the 20005 zip code. Each of the vault and the printhead also stores a flag indicating either that no zip code is set, or that the zip code is set to 20005. When the vault is placed in the printhead, the stored zip codes are compared and, if they match, the system functions normally. If either flag indicates no zip code is set, the vault or printhead sends its serial number to the data center, which looks up the zip code and sends it back to the vault/printhead, at which point the device operates normally. If the vault and printhead have different zip codes set, the device will not operate.

DiFilipo's system will operate in this fashion regardless of where the vault and printhead are actually, physically located. For example, if both items are physically moved to the 22313 zip code, each of the vault and the printhead will still have its flag set to the 20005 zip code, and the system will operate normally. Similarly, if either item has no zip code set, the data center will provide the stored 20005 zip code to the item (because moving the item to the new zip code doesn't change the stored record at the data center), and the system will still operate normally.

Similarly, Eddy's system allows a user to input new account information, including an old origin zip code and a new origin zip code, when a meter is moved from one location to another. The user can enter a new zip code regardless of where the device is actually, physically located, and the device will operate regardless of whether the entered zip code matches the device's actual location.

In contrast, claim 1 determines a postal device's **present postal zip code** from its **present physical location**. If the present postal zip code doesn't match a previously stored postal zip code, the postal device may be inhibited from using funds stored in the postal device. For example, a postal device according to claim 1 may be assigned to operate in the 20005 zip code. This zip code is then stored at the remote server. If the postal device is physically moved to 22313, the present physical location of the device will indicate that the present postal zip code

Appl. No. 09/829,171
Amtd. dated March 25, 2009
Reply to Office Action of November 25, 2008

PATENT
Attorney Docket No.: 26978A-006610US
Client Ref. No.: 9600

is 22313, not 20005. Thus, the postal device's present postal zip code (22313) will not match the previously stored postal zip code (20005), and the device may be inhibited from using funds. This operation is different from that of DiFilipo's and Eddy's systems, which operate the same regardless of the zip code(s) in which the vault and printhead are actually, physically located.

Thus, as explained above and as illustrated by this example, DiFilipo's and Eddy's descriptions of comparing stored zip codes do not disclose determining a present physical location or a present postal zip code, or other similar features recited in the claims. Applicants note that the foregoing explanation is provided by way of example only, and is not intended to limit the claims to the specific features or configurations described therein.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 202-481-9900.

The Commissioner is authorized to charge any fees due or credit any overpayment to the deposit account of Townsend and Townsend and Crew LLP, Deposit Account No. 20-1430.

Respectfully submitted,

/ASKamlay/
Aaron Kamlay
Reg. No. 58,813

DATE: March 25, 2009

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 202-481-9900
Fax: 415-576-0300
AK:lrd
61724664 v1